

vote for the appointment by such other officer of any person so related to the officer making or voting for such appointment; prohibiting the payment of any such ineligible person out of any public fund, and providing for suitable punishment and removal from office for the violation of this Act, and fixing venue."

And find the same correctly engrossed.

BARRETT, Chairman.

TWENTY-NINTH DAY.

Senate Chamber,
Austin Texas,

Tuesday, February 21, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Geo. D. Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barret.	Hawkins.
Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Harper.	

Absent.

Chambers.	Meachum.
Hale.	Paulus.
Hill.	Stokes.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Skinner the same was dispensed with.

EXCUSED.

Senator Glasscock moved that Senator Hill be excused from attendance upon the Senate for this week, on account of business and

Senator Hanger amended the motion by making it for today.

The motion prevailed and the Senator was excused for today.

On motion of Senator Faulk, Senator Stokes was excused from attendance upon the Senate for today on account of sickness.

(See appendix for standing committee reports.)

BILLS AND RESOLUTIONS SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign in the presence of the Senate after their captions had been read.

Senate bill No. 9, a bill to be entitled "An Act to amend Title LXII, Chapters 4 and 5, of the Revised Civil Statutes of the State of Texas, relating to the proceedings of jury commissioners in the selection of jurors; providing for enlarging and extending the duties of the said commissioners; limiting the number of times which any citizen may be compelled to answer summons to a special venire facias; determining the manner in which notice shall be given, etc.; also amending Title VIII, Chapter 2, of the Code of Criminal Procedure of the State of Texas, so as to conform to the provisions of this act."

Senate bill No. 36, a bill to be entitled "An Act to authorize the Supreme Court and the several justices thereof, to issue writs of habeas corpus in certain cases."

Senate bill No. 37, a bill to be entitled "An Act to amend Title XXX, Chapter 17, Article 1371, Revised Civil Statutes of Texas, providing for hearing certain evidence on motions for new trials, and prescribing when new trials thereon should be granted, and also in regard to contempt proceedings."

Senate bill No. 31, a bill to be entitled "An Act authorizing the appointment of temporary guardians of minors and their estates, regulating their duties and requirements, and the practice in relation thereto."

House concurrent resolution No. 8, inviting the President of the United States to the city of Austin.

House concurrent resolution No. 9, endorsing the action of Congress in voting for bill to increase the powers of the Interstate Commission, etc.

(See Journal of Feb. 15 for resolution in full.)

Senate bill No. 25, a bill to be entitled "An Act to amend Article 1012, Title XXVII, Chapter 14, Revised Civil Statutes of 1895, as amended by act approved April 17, 1899, of the Twenty-sixth Legislature, regular session, relating to the employment of stenographers by the Courts of Civil Appeals."

Senate bill No. 62, a bill to be entitled, "An Act to amend Article 34, Penal Code of Texas, permitting persons under the age of nine years to be punished for the offense of perjury.

PETITION.

By Senator Decker:
To the Senate of the State of Texas.

Gentlemen: We, citizens of Miami, Texas, most earnestly petition and appeal to your honorable body to enact a law which shall give relief from the vicious features of the cold storage and clubs now operated in prohibition districts in this State.

Numerously signed.

BILLS AND RESOLUTIONS.

BILLS.

By Senator Stone (by request):

Senate bill No. 229, a bill to be entitled "An Act to amend Article 3385, Title LXIX, of the Revised Civil Statutes of Texas, relating to local option."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Faust:

Senate bill No. 230, a bill to be entitled "An Act to permit persons liable to road duty in Comal county to pay three dollars a year in lieu of working the road, and to exempt Comal from Article 4733 of the Revised Statutes of the State of Texas."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Faulk:

Senate bill No. 231, a bill to be entitled "An Act to amend Article 335 of Chapter 3, Title IX, of the Penal Code of the State of Texas, making it a penalty to disturb the peace on railroad trains."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Smith:

Senate bill No. 232, a bill to be entitled "An Act to amend Section 10, Chapter 29, of the General Laws of the State of Texas, passed at the regular session of the Twenty-sixth Legislature, relating to the compensation of the county commissioners when acting as road commissioners, and with an emergency clause."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Looney:

Senate bill No. 233, a bill to be entitled "An Act to amend Article 975, Chapter 8, Title XXVII, of the Revised Civil Statutes of Texas, concerning judgments of the Supreme Court."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Looney:

Senate bill No. 234, a bill to be entitled "An Act to amend Article 942, Chapter 3, Title XXVII, of the Revised Civil Statutes of Texas, concerning the presentation of applications for writs of error to the Supreme Court, and the action of that court thereon."

Read first time, and referred to Judiciary Committee No. 1.

By Senator McKamy:

Senate bill No. 235, a bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Lancaster, in the county of Dallas, and State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the "Lancaster Independent School District," with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

Read first time, and referred to Committee on Education.

RESOLUTION.

By Senator Willacy:

Whereas, the report of the Comptroller and reports of the University and other departments have not yet been received from the printer under contract with the State Printing Board to furnish the same; and

Whereas, Said reports were delivered to said printer approximately two months in advance of the convening of the Twenty-ninth Legislature; and

Whereas, Said reports are necessary to the Legislature in order that the needs of the departments and State institutions may be known and acted upon intelligently, be it

Resolved, That the President of the Senate appoint a committee of three members of the Senate, who shall investigate the cause of said delay and report to the Senate.

The resolution was adopted, and

In accordance with same, the Chair appointed the following as the committee: Senators Willacy, Davidson and Martin.

HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bills:

House bill No. 76, a bill to be entitled "An Act to amend Article 3993b of the Revised Civil Statutes of Texas of 1895, so as to provide that the children of the members of either branch of the Texas Legislature who reside with their parents in the Capital city for the purpose of being in attendance upon any session of the Legislature, shall be considered to reside in such city for school purposes."

House bill No. 77, a bill to be entitled "An Act to only allow the qualified electors of Travis county residing outside of the city of Austin to vote for county superintendent of public instruction. Articles 3929a and 3930 of the Revised Civil Statutes not repealed, but only such laws as are in direct conflict."

House bill No. 270, a bill to be entitled "An Act changing and fixing the times of holding the courts in Twelfth Judicial District of Texas, providing for a longer term in Trinity county, and declaring an emergency."

House bill No. 425, a bill to be entitled "An Act to attach the unorganized counties of Cochran and Hockley to Lubbock county for surveying purposes; to authorize and empower the commissioners court of Lubbock county to procure from the county surveyor's office of Crosby county and from the General Land Office of the State, all the records of files and surveys of lands in said unorganized counties, and certified copies of such records, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 433, a bill to be entitled "An Act to amend the charter of the city of El Paso, entitled 'An Act to incorporate the city of El Paso and grant it a new charter, approved March 2, 1889, as amended by an act entitled An Act to amend Sections 7, 137, 138, 139, 140, 141 and 142 of an act entitled An Act to grant a new charter to the city of El Paso,' became effective April 26, 1899, and the acts mandatory thereof relating to streets, alleys, sidewalks and other public improvements, and the levy and collection of a tax to pay therefor, and fixing the time of holding elections, passed at the regular session of the Twenty-sixth Legislature, and to provide a just and effective law for making necessary street improvements and paying the cost of the same, by adding to said city charter of the city of El Paso Section 148a, inclusive, and by repealing all laws and parts of laws in conflict with such added sections, and to declare an emergency."

House bill No. 85, a bill to be entitled "An Act to amend Article 5087, of Chapter 2, Title CIV, of the Revised

Civil Statutes of the State of Texas, 1895, relative to taxation, and providing for the assessment for taxes of timber held by persons or corporations, purchased from the State under the act of April 16, 1895, and amended by an act of 1899," with engrossed rider.

House bill No. 50, a bill to be entitled "An Act to amend Article 2439, Chapter 1, Title XLV, of the Revised Civil Statutes of the State of Texas, 1895, in reference to fees of office to be charged and collected by certain State officers," with engrossed rider.

House bill No. 22, a bill to be entitled "An Act for the taxation of the intangible assets of certain corporations, and to provide for the creation of a state tax board for the valuation of such intangible assets and for the distribution of said values for local taxation, and for the assessment of said assets and the levy and collection of taxes thereon," with engrossed rider.

House bill No. 87, a bill to be entitled "An Act to amend Sections 1, 3 and 4, of Chapter 97, page 127, Acts of the regular session of the Twenty-eighth Legislature, authorizing the sale of certain portions of the public free school, university and asylum lands to railroad companies owning, operating or constructing railroads in this State for the location and establishment of town sites, depots, stations, yards, roundhouses, shops, divisional terminals or water stations, and to prescribe the terms and conditions of such sales; to authorize the Commissioner of the General Land Office or the Board of Regents of the State University, as the case may be, to fix the price of such lands when sold for such purposes."

House bill No. 227, a bill to be entitled "An Act to authorize and require the Comptroller, whenever it shall appear that any lands subject to taxation in any county have not been assessed for taxes for any year since and including the year 1900, to make a list thereof and deliver the same to the county tax assessor, and to require the tax assessor to assess the same for taxes for such years; to provide for the collection of such taxes, making it a misdemeanor upon the part of the tax assessor, county judge and members of the commissioners court to intentionally or willfully fail or refuse to perform any of the acts herein required, and providing for prosecutions of such offenses upon information in the county where such offense is committed, or in any county in the judicial district to which such county belongs," with engrossed rider.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Neal) had read and referred, after their captions had been read, the following House bills:

House bill No. 76, to the Committee on Education.

House bill No. 270, to the Committee on Judicial Districts.

House bill No. 425, to the Committee on Counties and County Boundaries.

House bill No. 87, to the Committee on Public Lands and Land Office.

House bill No. 77, to the Judiciary Committee No. 1.

House bill No. 433, to the Committee on Towns and City Corporations.

House bill No. 227, to the Judiciary Committee No. 1.

House bill No. 85, to the Judiciary Committee No. 1.

House bill No. 22, to the Committee on Internal Improvements.

House bill No. 50, to the Committee on Internal Improvements.

(See above House message for captions.)

Morning call concluded.

AMENDMENTS TO SENATE BILL NO. 62 CONCURRED IN.

Senator Faulk called up

Senate bill No. 62, a bill to be entitled "An Act to amend Article 34, Penal Code of Texas, permitting persons under the age of nine years to be punished for the offense of perjury."

And moved that the Senate concur in the following House amendments:

(1) Amend by striking out all after the figure "34" in the caption of the bill and insert the following: "Chapter 3, Title I, Penal Code of the State of Texas, providing that no person under the age of thirteen years shall be convicted unless it appear by proof that such child had discretion sufficient to understand the nature and illegality of the act constituting the offense."

(2) Amend by striking out all after the enacting clause and insert the following:

Section 1. That Article 34, Chapter 3, Title I, of the Penal Code of the State of Texas, be so amended as to hereafter read as follows:

Article 34. No person under the age of thirteen years shall in any case be convicted of any offense committed while under that age unless it shall appear by proof that he had discretion sufficient to understand the nature and

illegality of the act constituting the offense.

Sec. 2. Whereas, the fact that there is now no law which renders competent as witnesses persons under nine years of age, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be enforced from and after its passage, and it is so enacted.

Amend by inserting the word "thirteen" in lieu of the word "nine," in caption of bill; also in line 7, in Section 2, of bill.

Amend Senate bill No. 2, lines 2, 3, 4 and 5, page 2, by striking out all after the words "Art. 34," down to and including the word "offense," in line 5, and inserting the following:

"No person shall in any case be convicted of any offense committed before he was of the age of 9 years, except perjury, when it shall appear by proof that he had sufficient discretion to understand the nature and obligation of an oath; nor of any other offense committed between the years of 9 and 13, unless it shall appear by proof that he had discretion sufficient to understand the nature and illegality of the act constituting the offense."

Amend the amendment by inserting the words "and for that only" after the word "perjury."

The motion to concur prevailed.

SENATE BILL NO. 201—PASSAGE OF.

On motion of Senator Grinnan, the pending order of business (Senate bill No. 134) was suspended, and the Senate took up, out of its order, Senate bill No. 201.

The Chair laid before the Senate on second reading,

Senate bill No. 201, a bill to be entitled "An Act creating an independent school district to be known as the Ballinger independent school district, including within its limits the municipal corporation of the town of Ballinger, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect such special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further pre-

scribing the duties and authorities of said board."

On motion of Senator Grinnan, the committee report was adopted.

Senator Grinnan offered the following amendment:

Amend by striking out Section 24 and insert the following:

Sec. 24. The board of trustees of said independent school district shall have the power, and are hereby authorized to levy and collect an annual ad valorem tax not in excess of one-half of one per cent on the one hundred dollars valuation of taxable property within said district for the purpose of paying the annual current expenses of the maintenance and support of the public schools within said district; provided, that no such tax shall be levied until an election shall have been held within said district for the purpose of determining said question whereat two-thirds of the qualified voters and taxpayers in said district voting at such election shall have voted in favor of the levying of said tax. The rate or amount of tax necessary to be levied for such purpose shall be ascertained and determined by the board of trustees, and when so ascertained and determined, the board shall order the election, as herein provided, to be held in manner as provided for the election in Section 20 of this Act. But no such tax shall be levied in said district for such purpose for the year 1905.

The amendment was adopted.

Bill read second time and ordered engrossed. On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Barrett.	Hicks.
Beaty.	Holland.
Brachfield.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Chambers.	Hale.
Davidson.	Meachum.
Decker.	Palus.

Absent—Excused.

Hill.	Stokes.
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The bill was read third time and passed by the following vote:

Yeas—23.

Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Faulk.	Martin.
Faust.	Martin.
Glasscock.	McKamy.
Griggs.	Skinner.
Grinnan.	Smith.
Hanger.	Stafford.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Barrett.	Hale.
Chambers.	Meachum.
Decker.	Palus.

Absent—Excused.

Hill.	Stokes.
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Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.
(Senator Stafford in the chair.)

SENATE BILL NO. 210—ENGROSSMENT OF.

On motion of Senator Griggs the pending order of business, Senate bill No. 134, was suspended, and the Senate took up, out of its order, Senate bill No. 210.

The Chair laid before the Senate on second reading.

Senate bill No. 210, a bill to be entitled "An Act to amend Subdivision 1, of Article 3139, Chapter 1, Title LXII, of the Revised Statutes of the State of Texas, relating to qualifications of jurors, and declaring an emergency."

On motion of Senator Griggs, the committee report was adopted.

Senator Griggs offered the following amendment.

Amend by inserting after the word "population," the following: "As ascertained by the last census of the United States."

The amendment was adopted.

The bill was ordered engrossed by the following vote.

Yeas—15.

Barrett.	Holland.
Brachfield.	Looney.
Decker.	McKamy.
Griggs.	Smith.
Grinnan.	Stone.
Hanger.	Terrell.

Harbison. Willacy.
Hicks.

Nays—8.

Davidson. Hawkins.
Faulk. Martin.
Faust. Skinner.
Glasscock. Stafford.

Absent.

Beaty. Harper.
Chambers. Meachum.
Hale. Paulus.

Absent—Excused.

Hill. Stokes.

Senator Griggs moved to reconsider the vote by which the bill was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 126.

On motion of Senator Hawkins, the special order of business (Senate bill No. 134) was suspended, and the Senate took up, out of its order, Senate bill No. 126.

The Chair laid before the Senate, on second reading,

Senate bill No. 126, a bill to be entitled "An Act to reorganize the Thirty-second Judicial District of Texas, and to fix the time for holding courts, and the terms of the courts therein, to conform all writs and processes to such changes, to declare an emergency, and to repeal all laws and parts of laws in conflict herewith."

Senator Hawkins offered the following amendment:

Amend by striking out "Yoakum county" wherever found.

The amendment was adopted.

Senator Hawkins offered the following amendment:

Amend by adding to Section 2 the following: "The unorganized county of Winkler is hereby attached to Ector county for judicial purposes, and the unorganized county of Loving is hereby attached to Ward county for judicial purposes."

On motion of Senator Hanger, the amendment was tabled by the following vote:

Yeas—14.

Beaty. Hicks.
Brachfield. Holland.
Davidson. McKamy.
Decker. Skinner.
Faulk. Stafford.
Faust. Stone.
Hanger. Willacy.

Nays—7.

Barrett. Hawkins.
Glasscock. Looney.
Grinnan. Martin.
Harbison.

Present—Not Voting.

Harper. Terrell.
Smith.

Absent.

Chambers. Meachum.
Griggs. Paulus.
Hale.

Absent—Excused.

Hill. Stokes.

Senator McKamy moved to reconsider the vote by which the amendment was tabled, and spread that motion on the Journal.

REASONS FOR NOT VOTING.

I refuse to vote because this seems to be a local controversy that effects the districts of two Senators and one of the Senators whose district would be effected is not present.

TERRELL.

SENATE BILL NO. 21—PAS-
SAGE OF.

On motion of Senator Hicks, the special order of business (Senate bill No. 134) was suspended, and the Senate took up, out of its order, Senate bill No. 21.

The Chair laid before the Senate on second reading,

Senate bill No. 21, a bill to be entitled, "An Act requiring all railway corporations operating a line of railway in the State of Texas to place switch lights on all of their main line switches, and to keep the same lighted from sunset to sunrise, and requiring all railway corporations operating a line of railway in the State of Texas to place derail-switches on all of their sidings connecting with the main line and upon which siding cars are left standing, and providing penalties and remedies for the violation of any of the provisions of this act, and declaring an emergency."

Bill read second time and ordered engrossed.

On motion of Senator Hicks the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Grinnan.	Stafford.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Chambers.	Meachum.
Griggs.	Paulus.
Hale.	

Absent—Excused.

Hill.	Stokes.
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The bill was read third time and passed by the following vote:

Yeas—24.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Grinnan.	Stafford.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Chambers.	Meachum.
Griggs.	Paulus.
Hale.	

Absent—Excused.

Hill.	Stokes.
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Senator Hicks moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 373—PASSAGE OF.

On motion of Senator Faulk, the special order of business, Senate bill No. 134, was suspended, and the Senate took up, out of its order, House bill No. 373.

The Chair laid before the Senate on second reading,

House bill No. 373, a bill to be entitled "An Act creating a more efficient road system for Kaufman county, Texas."

On motion of Senator Faulk the committee report was adopted.

Bill read second time and passed to third reading.

On motion of Senator Faulk the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Barrett.	Hicks.
Beaty.	Holland.
Brachfield.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Grinnan.	Stafford.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Chambers.	Hale.
Davidson.	Meachum.
Griggs.	Paulus.

Absent—Excused.

Hill.	Stokes.
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The bill was read third time and passed by the following vote:

Yeas—23.

Barrett.	Hicks.
Beaty.	Holland.
Brachfield.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Grinnan.	Stafford.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Chambers.	Hale.
Davidson.	Meachum.
Griggs.	Paulus.

Absent—Excused.

Hill.	Stokes.
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Senator Faulk moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 67—PASSAGE OF.

On motion of Senator McKamy, the special order of business (Senate bill No. 134) was suspended, and the Senate took up, out of its order, House bill No. 67.

The Chair laid before the Senate, on second reading,

House bill No. 67, a bill to be entitled "An Act to amend Article 950 of the Penal Code of the State of Texas, relating to the fraudulent disposition of mortgaged property, and prescribing penalties therefor."

The bill was read second time and passed to a third reading.

On account of there being a committee amendment, not acted on, on motion of Senator McKamy the vote by which the bill passed to a third reading was reconsidered.

The committee amendment, as follows: That the engrossed rider be stricken out, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator McKamy, the bill was then made a special order for next Thursday morning.

HOUSE BILL NO. 59—PASSAGE OF.

On motion of Senator Grinnan, the special order of business (Senate bill No. 134) was suspended, and the Senate took up, out of its order, House bill No. 59.

The Chair laid before the Senate, on second reading,

House bill No. 59, a bill to be entitled "An Act to amend Sections 1 and 2, Chapter 71, of the Acts of the Twenty-eighth Legislature of the State of Texas, being 'An Act to amend Section 1 of Chapter 24 of the Acts of the Twenty-seventh Legislature of the State of Texas,' being 'An Act to amend Section 1, Chapter 128, of an act passed by the Twenty-sixth Legislature of the State of Texas,' and sent to the Governor for his approval on the 20th day of May, A. D. 1899, and entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following counties or in any subdivision of said counties, viz.: Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin, Brazos, so as to place Lavaca, Colorado, Washington, Williamson, Smith and Delta counties under the provisions of said charter, so as to place McLennan, San Patricio, Limestone, Coryell, Kaufman, Rains, Bastrop, Bee, Camp, Caldwell, Calhoun, Cass, Comanche, Erath, Hill, Harrison, Hopkins, Jackson, Bosque, Montgomery, Morris, Upshur, Parker, Rusk, Red River, Titus, Trinity, Victoria, Van Zandt, Wise, Walker, Wood, Wilson, Comal, Nueces, Bexar, Eastland, Cherokee and Travis counties under the provisions of said chapter, and to pro-

vide for the holding of an election for the purpose of enabling the freeholders of such counties or subdivisions thereof as may have adopted said law to repeal the same,' so as to place Brown, Blanco, Coleman, Callahan, Franklin, Gillespie, Hood, Llano, Jones, Jack, Scurry, Somervell and Taylor under the provisions of said chapter, and to exempt therefrom the counties of Bee, Calhoun, Jackson, Montgomery, Trinity, Victoria and Walker; and to provide for the holding of an election for the purpose of enabling the freeholders of such counties or subdivisions thereof as may have adopted said law to repeal the same."

Bill read second time and passed to a third reading.

On motion of Senator Grinnan the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stone.
Harbison.	Willacy.
Harper.	

Nays—1.

Terrell.

Absent.

Chambers.	Meachum.
Hale.	Paulus.
Hanger.	

Absent—Excused.

Hill.	Stokes.
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The bill was read third time and passed.

Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 169—MADE SPECIAL ORDER.

On motion of Senator Skinner, the special order of business (Senate bill No. 134) was suspended, and the Senate took up, out of its order, Senate bill No. 169.

The Chair laid before the Senate, on second reading,

Senate bill No. 169, a bill to be entitled "An Act to amend Section 9,

Chapter 60, General Laws of the Twenty-eighth Legislature, entitled 'An Act providing for the appointment of official stenographers for the district courts by the judges thereof in all districts composed of only one county or portion of one county, and of all other district courts sitting in the same counties therewith, prescribing their duties and providing that said Act may become applicable to all other district courts in this State.'

Senator Skinner offered the following amendment:

Amend by inserting before the initial word, in line 16, page 2, of the bill, the following: "Section 10."

The amendment was adopted.

(Lieutenant Governor Neal in chair.)

Senator Terrell moved that further consideration of the bill be postponed and made special order for Friday morning, and

Senator Skinner moved as a substitute that the bill be made special order for tomorrow.

The substitute motion prevailed.

By consent, the following amendment, which will be offered by Senator Smith, was ordered printed in the Journal:

Amend Section 9, page 2, line 15, by adding thereto the following: "Provided, that in districts composed of more than one county the commissioners courts of each of such counties shall first authorize the appointment of an official stenographer for the district court of such county by the judge thereof, by an order to that effect, made at a session of such commissioners court before the district judge shall make such appointment, before the stenographer's fee shall be authorized to be taxed as part of the costs in cases disposed of in said court, and before warrants shall be drawn upon and paid out of the county funds of the county. The appointment when so authorized shall be made for two years from the date of the order authorizing the same."

REPORT OF JOINT COMMITTEE ON RULES.

(Majority Report.)

Austin, Texas, January 27, 1905.

Hon. Geo. D. Neal, President of the Senate, and

Hon. F. W. Seabury, Speaker of the House of Representatives.

Sirs: Your Joint Committee on Rules have had under consideration the rules for governing the procedure of the Twenty-ninth Legislature, and recommend that the joint rules of the Twenty-eighth Legislature be adopted for use during the Twenty-ninth Leg-

islature, with the following amendments:

Amend joint rule XIII by adding the following:

"And said report shall be accompanied by a copy of said bill as a part of said report, which said copy may be typewritten or printed, partly written and printed, or written and partly printed, and, unless it is a local bill, it shall be printed in the Journal of the House or Senate to which said report is made."

HANGER,

DECKER,

HILL,

STAFFORD,

HICKS,

On Part of the Senate;

WILLIAMS,

M'KINNEY,

GLENN,

BROWN of Kaufman,

On the Part of the House.

(Minority Report.)

Austin, Texas, January 31, 1905.

Hon. F. W. Seabury, Speaker of the House of Representatives.

Sir: I beg to dissent from the majority report of the Committee on Rules wherein it seeks to amend the joint rules by providing for the publication in the Journal of all except local bills. My reasons are:

(1) It will greatly increase the work of the Enrolling Committee to make the change effective. It would have to examine the enrolled bill and the copy for the printer.

(2) I fear that it will necessitate the employment of additional help in the enrolling department.

(3) It will enlarge the Journals, thus increasing the printing bill of the Legislature from \$200 to \$300, without corresponding benefit.

(4) Toward the end of the session, when the major part of all bills are passed, it is liable to retard the expedition of the business of the House.

KENNEDY.

The report was read, and, on motion of Senator Decker, the majority report was adopted.

SIMPLE RESOLUTION.

By Senator Davidson:

To the Hon. Geo. D. Neal, President of the Senate:

Resolved, That the hereto attached statement of the condition of the different institutions in this State supported by the general revenue appropriated for purposes of their support out of the State Treasury be printed in the Journal of the Senate, to the end that members of the Senate and

Members of the House of Representatives may have before them a statement showing the conditions surrounding the different institutions of this State, as well as the conditions surrounding the different departments of the State Government.

And, resolved further, That said Statement be read in connection with this resolution in the State Senate, to the end that it may be within the power of the Legislature at this session to make investigation before making appropriations for the support of the different departments of the State government and the different institutions of the State supported by the State government, and if possible be so reorganized as to reduce the expenses of the State government in connection with the said departments and institutions.

Average number of students or inmates handled by each employe in State institutions.

	Enrollment.	Employees.	Average.
University	1,348	134	10
Estimated from matriculation fees	687	110	6¼
Deaf and Dumb Asylum	441	87	5
Blind Asylum.....	230	66	3½
Confederate Home.	285	44	6½
A. & M. College...	408	50	8
Dead and Dumb Colored	79	25	3
House of Correction		25
Orphan Home.....	308	39	8
State Lunatic Asylum	1,177	169	7
Southwestern Insane Asylum.....	706	122	6
North Texas Insane Asylum....	1,329	184	7
Epileptic Colony...	201	62	3

Comptroller has forty-five employes, two porters.

State Treasury has nineteen employes and one porter.

General Land Office has sixty clerks and one porter.

Average number of students taught by each teacher in State institution:

	Enroll. ment.	Teach. ers.	Average.
University	687	86	8

(Above is estimated from matriculation fees counting \$10.00 to each student.)

Blind Asylum.....	230	20	11½
Deaf and Dumb.....	441	42	10½

ADJOURNMENT.

Senator Hanger moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Brachfield moved that the Senate adjourn till Thursday morning at 10 o'clock.

Action being on the longest time first, the Senate refused to adjourn till Thursday morning. A yea and nay vote being taken as follows:

Yeas—5.

Barrett. Martin.
Brachfield. Willacy.
Griggs.

Nays—18.

Davidson. Hicks.
Decker. Holland.
Faulk. Looney.
Faust. McKamy.
Glasscock. Smith.
Grinnan. Stafford.
Hanger. Stone.
Harbison. Terrell.
Hawkins.

Absent.

Beaty. Meachum.
Chambers. Paulus.
Hale. Skinner.

Absent—Excused.

Hill. Stokes.

Action then being on the motion to adjourn till tomorrow morning, and the same prevailed.

APPENDIX A.

(Committee Reports.)

JUDICIARY COMMITTEE NO. 1.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 46, a bill to be entitled "An Act to amend Article 2967 of the Revised Civil Statutes of the State of Texas, as enacted in the year 1895, so as to make the separate property of the wife, the rents and revenues derived from property, whether real or personal, granted to the wife by will, deed or otherwise, with the provision that the rents and revenues derived therefrom shall be her separate property, and to exempt same from the management and control of the husband, and from debts contracted by him,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 193, a bill to be entitled "An Act to give the furnishers of feed for cattle a prior lien on said cattle to secure the payment of such feed, and to provide penalties for fraudulent disposition of cattle subject to such liens,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 181, a bill to be entitled "An Act to amend Article 749c of Chapter 18, of Title XXI, of the Revised Civil Statutes, restricting land holdings of certain corporations, as amended by the Twenty-fifth Legislature of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 213, a bill to be entitled "An Act to authorize W. S. Gabriel to institute suit against the State of Texas to ascertain what, if any, unpaid balance of salary is due said W. S. Gabriel as stenographer of the Supreme Court of the State of Texas, and making an appropriation therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 183, a bill to be entitled "An Act to more succinctly declare what is sufficient of title to

enable owners of land to redeem under sales for taxes,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 53, a bill to be entitled "An Act to amend Articles 5243i and 5243j of an act entitled 'An Act to amend Articles 5243e, 5243i, 5243j and 5243k, of Chapter 9, Title CIV, of the Revised Civil Statutes,' relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and to provide for the forfeiture of the charters of domestic corporations and permits of foreign corporations to do business in this State for failure to pay the franchise tax levied by this Act, and to define and to prescribe the notice to be given to said corporation previous to said forfeiture, and to provide adequate penalties for a violation of this act," passed at present session and approved April 30, 1897, same being Chapter 120 of the General Laws of the State of Texas, passed at the regular session of the Twenty-fifth Legislature, in relation to the amount of the annual franchise tax on domestic and foreign corporations, and the method of computing same, and the enforcement of the payment of such tax,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, amending Section 1, Article 5243j, by adding the following after the words "Secretary of State" at the end of said section: "Provided the provisions of this act shall not apply to corporations having no capital stock, organized for the exclusive purpose of promoting the public interest of any city or town."

HICKS, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 188, a bill to be entitled "An Act to subject executors and administrators to the process of garnishment,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, amended by adding after Section 1 the following: "Provided that if any party indebted to such estate, or any party in posses-

sion of property or funds belonging to such estate, or any corporation or joint stock company in which such estate holds any stock or interest of any kind, has been garnisheed prior to the qualification of such executor or administrator, the lien fixed by such garnishment upon such property, fund, stock or interest shall be binding upon such executor or administrator."

HICKS, Chairman.
Committee Room.

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary committee No. 1, to whom was referred

Senate bill No. 131, a bill to be entitled "An Act authorizing railroad companies to construct connecting tracks, spurs and sidings under certain conditions; defining when it is an abuse not to connect, and requiring them to connect when ordered to do so by the Railroad Commission, and providing the right of condemnation for said purposes; and defining the powers of the railroad commission in regard to said matters."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

JUDICIARY COMMITTEE NO. 2.

Committee Room.

Austin, Texas, Feb. 17, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary committee No. 2, to whom was referred

Senate bill No. 29, a bill to be entitled "An Act to prohibit a person or persons from taking orders or soliciting orders for whiskey, beer, wine or any other intoxicating drink or drinks in a local option county of this State and affixing a punishment therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following amendments:

Strike out Section 1 and add the following in lieu thereof:

Section 1. That if any person or persons shall take or solicit orders for any intoxicating liquors in any county, justice's precinct, town, city or such subdivision of a county as may be designated by the commissioners court of said county in which the sale of intoxicating liquor has been prohibited under the laws of this State, shall be guilty of a felony and on conviction shall be punished by confinement in the penitentiary for a term of not less than two, nor more than five years.

Add Section 3 as follows:

The crowded condition of the calendar and the inadequacy of the present law of this State to enforce our local option laws, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days and the same is so done, and this act shall be in force and take effect from and after its passage, and it is so enacted.

DAVIDSON, Chairman.

Committee Room.

Austin, Texas, Feb. 17, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary committee No. 2, to whom was referred,

Senate bill No. 164, a bill to be entitled "An Act to amend Article 278, Chapter 6, Title VIII, of the Penal Code of the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

DAVIDSON, Chairman.

Committee Room.

Austin, Texas, Feb. 17, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred,

Senate bill No. 53, a bill to be entitled "An Act to amend Articles 361 and 362, Chapter 4, Title X, of the Penal Code of Texas, stating who may be guilty of the offense of keeping, being concerned in keeping, or permitting to be kept, a disorderly house, and prescribing the punishment therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

DAVIDSON, Chairman.

CONSTITUTIONAL AMENDMENTS.

Committee Room.

Austin, Texas, Feb. 18, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Joint resolution No. 4 to amend Section 2 of Article VIII of the Constitution of the State of Texas, relating to certain exemptions from taxation."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following amendments:

Amend by adding Sections 4 and 5 as follows:

Section 4. The qualified electors for members of the Legislature of the State of Texas shall vote upon this

amendment on the — day of —, at which election all persons favoring said amendment shall have written or printed on the ballot as follows:

"For amendment to Section 2, Article 8 of the Constitution exempting from taxation endowment funds used exclusively for school purposes."

And those opposed to said amendment shall have written or printed on the ballot, as follows:

"Against amendment to Section 2, Article 8 of the Constitution exempting from taxation endowment funds used exclusively for school purposes."

Section 5. The sum of \$5000 or so much thereof as may be necessary is hereby appropriated out of any funds in the treasury of the State of Texas not otherwise appropriated to pay the expenses of such publication, proclamation and election.

SMITH, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 18, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred,

Joint resolution No. 1, amending Sections 3, 4 and 28 of Article III and Sections 4, 22 and 20 of Article IV and Sections 2, 4, 6, 7, 9, 15, 18, 20, 21 and 23 of Article V, and Sections 14, 16 of Article VIII, and Sections 30 and 44 of Article XVI, of the Constitution of the State of Texas, so as to change the term of office for all State, county and precinct and all other officers from two and six years to four and eight years and making officer ineligible to immediately succeed himself, except the Senators and Representatives in the Legislature.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the attached substitute be passed in lieu thereof.

SMITH, Chairman.

Senate joint resolution to amend the Constitution of the State of Texas, fixing the term of office for all State, district, county, precinct and all other officers from four to eight years, making all officers ineligible to succeed themselves except judges of the Supreme Court, Courts of Criminal and Civil Appeals, the Senators and Representatives of the Legislature. Be it resolved by the Legislature of the State of Texas:

Section 1. That the term of office of the judges of the Supreme Court and of the Courts of Criminal and Civil Appeals shall be eight years from

the date of their election until their successors are elected and qualified, and the term of office of the Railroad Commissioners shall be eight years from the date of their election and qualification, and the members thereof shall be ineligible to immediately succeed themselves after having served the full term of eight years; and the term of office of the Senators and Representatives shall be four years from the date of their election and qualification and until their successors are elected and qualified; and the term of all other officers, whether created by the Constitution or laws of this State, shall be four years from the date of their election and qualification, and the incumbent thereof shall be ineligible to immediately succeed himself.

Sec. 2. That any section or part of section of the present Constitution in conflict with the provisions of this amendment are hereby repealed.

Sec. 3. The Legislature, at the first session after the adoption of this amendment, shall enact such laws as shall be necessary to carry it into effect and shall enact such laws as shall be necessary to fix the time when the term of offices elected thereunder shall begin, which time shall be fixed so as to create uniformity in the commencement of the terms of all officers elected in Texas under this amendment to the Constitution; every officer elected under the present Constitution shall hold his office until his successor is elected and qualified under this amendment and acts of the Legislature passed thereunder.

Sec. 4. The qualified electors for members of the Legislature of the State of Texas shall vote upon this amendment on the — day of —, at which election all persons favoring said amendment shall have written or printed on the ballot as follows:

"For the amendment to the Constitution changing the period of general elections from two to four years and changing the term of all officers."

And those opposed to said amendment shall have written or printed on the ballot as follows:

"Against the amendment to the Constitution changing the period of general elections from two to four years and changing the term of all officers."

The Governor of this State is hereby directed to issue the necessary proclamation for the submission of these amendments to the qualified voters of the State of Texas at the next general election for State and county officers, and the sum of \$5000, or as much thereof as may be necessary, is hereby appropriated out of the Treasury of the State of Texas, not otherwise ap-

propriated, to pay the necessary costs and expense of proceedings hereunder.

Minority Report.

Committee Room,

Austin, Texas, February 18, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: A minority of your Committee on Constitutional amendments, to whom was referred

Joint resolution No. 1, to amend Sections 3, 4 and 28 of Article III, and Sections 4, 22 and 20 of Article IV, and Sections 2, 4, 6, 7, 9, 15, 18, 20, 21 and 23 of Article V, and Sections 14 and 16 of Article VIII, and Sections 30 and 44 of Article XVI of the Constitution of the State of Texas, so as to change the term of office for all State, county and precinct and all other officers from two and six years to four and eight years, and making an officer ineligible to immediately succeed himself, except the Senators and Representatives in the Legislature,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

DAVIDSON.
HAWKINS.

Committee Room,

Austin, Texas, February 17, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 186, being "An Act to amend the charter of the city of El Paso, entitled 'An Act to incorporate the city of El Paso and grant it a new charter,' approved March 2, 1889, as amended by an act entitled 'An Act to amend Sections 7 and 137, 138, 139, 140, 141 and 142 of an act entitled 'An Act to grant a new charter to the city of El Paso,' became effective April 26, 1899, and the acts amendatory thereof, relating to streets, alleys, sidewalks and other public improvements, and the levy and collection of a tax to pay therefor, and fixing the time of holding elections, passed at the regular session of the Twenty-sixth Legislature, and to provide a just and effective law for making necessary street improvements and paying the cost of the same, by adding to said city charter of the city of El Paso Section 148a, inclusive, and by repealing all laws and parts of laws in conflict with such added sections, and to declare an emergency,"

And find the same correctly engrossed.

BARRETT, Chairman.

PUBLIC LANDS AND LAND OFFICE.

Committee Room,

Austin, Texas, February 17, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 219, a bill to be entitled "An Act to amend Article 548, Chapter 9, of Title XVIII, of the Revised Civil Statutes of Texas, in relation to condemnation of lands for city and town purposes,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the bill be referred to the Committee on Towns and City Corporations.

HILL, Chairman.

Committee Room,

Austin, Texas, February 17, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 199, a bill to be entitled "An Act to provide that all volumes constituting a portion of the records of any county organized prior to January 1, 1882, herein are recorded deeds, mortgages or trust deeds or other muniments of title to real estate situated in such county, which volumes and records are now and since the 1st of January, 1882, have been constantly among the archives of such county as records thereof, shall be, and are declared to be in all respects lawful and valid records of such counties, respectively, for all purposes whatsoever relating to titles to real estate, and to provide that certified copies of instruments recorded in said volumes made in accordance with law shall have the force and effect that certified copies of original records have in organized counties and that same may be used for all lawful purposes for certified copies of original records in ordinary cases in organized counties,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HILL, Chairman.

Committee Room,

Austin, Texas, February 17, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

House bill No. 62, a bill to be en-

titled "An Act to prescribe a period of limitation within which any person claiming the right to purchase or lease public free school, State, University or asylum lands heretofore sold or leased to others, shall bring his suit therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend by striking out the word "one," in Section 1, after the word "within," and insert in lieu thereof the word "three."

HILL, Chairman.

MINING AND IRRIGATION.

Committee Room,

Austin, Texas, February 18, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 179, a bill to be entitled "An Act to create and establish a mineral survey of the lands belonging the public school, University, asylums, or of the State and other mineral lands within the State, and to determine the extent and use of the artesian or other underground or surface waters within the State, and to make appropriation therefor, and provide a penalty for unlawfully disclosing information obtained by said survey, and also declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

DECKER, Chairman.

ENROLLING DEPARTMENT.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled bills have carefully examined and compared Senate bill No. 9, being "An Act to amend Title LXII, Chapters 4 and 5, of the Revised Civil Statutes of the State of Texas, relating to the proceedings of jury commissioners in the selection of jurors; providing for enlarging and extending the duties of the said commissioners, limiting the number of times which any citizen may be compelled to answer summons to a special venire facias; determining the manner in which notice shall be given, etc.; also amending Title VIII, Chapter 2, of the Code of Criminal Procedure of the State of Texas, so as to conform to the provisions of this act."

And find the same correctly enrolled.

TERRELL, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled bills have carefully examined and compared Senate bill No. 31, being "An Act authorizing the appointment of temporary guardians of minors and their estates, regulating their duties and requirements and the practice in relation thereto,"

And find the same correctly enrolled.

TERRELL, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled bills have carefully examined and compared Senate bill No. 37, being "An Act to amend Title XXX, Chapter 17, Article 1371, Revised Civil Statutes of Texas, providing for hearing certain evidence on motions for new trials, and prescribing when new trials thereon should be granted, and also in regard to contempt proceedings,"

And find the same correctly enrolled.

TERRELL, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 36, being "An Act to authorize the Supreme Court and the several justices thereof to issue writs of habeas corpus in certain cases,"

And find the same correctly enrolled.

TERRELL, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 62, being "An Act to amend Article 34 of the Penal Code of Texas, permitting persons under the age of nine years to be punished for the offense of perjury,"

And find the same correctly enrolled.

TERRELL, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 25, being "An Act to amend Article 1012, Title XXVII, Chapter 14, Revised Civil Statutes of 1895, as amended by Act approved April 17, 1899, of the Twenty-sixth Legislature,

regular session, relating to the employment of stenographers by the Courts of Civil Appeals."

And find the same correctly enrolled.

TERRELL, Chairman.

ENGROSSING DEPARTMENT.

Committee Room,

Austin, Texas, Feb. 17, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate substitute bill No. 49, being "An Act to prescribe when the defense of assumed risk shall not be available when interposed by a person, firm, corporation or receiver, or lessee, operating or carrying on any business, calling or occupation requiring the use of machinery of any kind, in any suit for damages that may be prosecuted under the laws of this State for the death or personal injury of any employee."

And find the same correctly engrossed.

BARRETT, Chairman.

THIRTIETH DAY.

Senate Chamber,

Austin, Texas,

Wednesday, Feb. 22, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Beaty.	Hicks.
Brachfield.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Grinnan.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Barrett.	Hill.
Chambers.	Martin.
Griggs.	Meachum.
Hale.	Paulus.
Harbison.	Stokes.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Stone the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Grinnan:

To the Senate of the State of Texas:

Gentlemen: We, citizens of Erath, Texas, most earnestly petition and appeal to your honorable body to enact a law which shall give relief from the vicious features of the cold storage and clubs now operated in prohibition districts in this State.

Numerously signed.

Also Senator Grinnan offered a like petition from the citizens of McCulloch county, and

Senator Terrell offered a like petition from citizens of Marion county.

By Senator Beaty:

Hon. J. T. Beaty, Austin, Texas:

Dear Sir: We, the undersigned druggists and doctors, residing at Nacogdoches, Texas, respectfully ask that you vote against and use your best efforts to defeat House bill No. 376, which if passed would require all patent medicine houses (manufacturers) to print their formula on each bottle of their medicines.

This would cause the withdrawal from Texas of many of the largest patent medicine manufacturers. It would put many of the Texas enterprises out of business and be a great loss to the wholesale and retail drug business throughout the entire State. It would also mean the loss of thousands of dollars in advertising to the newspapers of Texas.

STRIPLING, HASELWOOD & CO.

PERKINS, KUAS & MAST.

M. R. KUAS.

R. E. KUAS, Prescription Clerk.

R. C. SHINDLER, Druggist.

THOS. E. BAKER.

W. T. SMITH.

SAM STRIPLING.

W. U. PERKINS.

By Senator Faulk:

Corsicana, Tex., Feb. 15, 1905.

Whereas, There is now pending in the Legislature of the State of Texas a bill aimed to prohibit railroads of said State from issuing free passes; and, whereas, in the form the said bill passed the Honorable Senate of the State we deem it a death blow to the State Fireman's Association of Texas, and in which Association this department holds membership.

Said Association is an organization whose aims are solely for the public good, and without personal pecuniary rewards expected or possible, being a non-political and non-partisan organization and the most beneficial assistance to the various local volunteer fire departments within the State. And as such an important and beneficial adjunct has been recognized and encouraged by the public-spirited